

Defendant Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

**Superior Court of California
County of Riverside**

People of the State of California,
Plaintiff
v.

PETITION TO VACATE CIVIL ASSESSMENT FOR
**FAILURE TO APPEAR OR FAILURE TO PAY (PC
§1214.1);**
DECLARATION IN SUPPORT OF PETITION; AND
COURT ORDER ON PETITION

_____,
Defendant

Case Number: _____

Note: Prior to submitting the Petition to Vacate Civil Assessment for **Failure to Appear**, you must take care of the original violations with which you were charged. Please contact the clerk's office for assistance.

IMPORTANT: **Written proof** of any of the following must be attached and cover the entire time period in question. Attach copies only – Originals will not be returned to you.

____ Hospitalized ____ Incarcerated ____ Overseas Military Duty ____ Other

I had a good reason for not appearing in court. I had a good reason for not paying my fine when due.
(State your reason and attach additional page(s) if necessary):

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and that written proof is attached to this form.

Signature of Defendant: _____ Signed on _____

ORDER RE CIVIL ASSESSMENT (COURT USE ONLY)

Petition to Vacate FTA/FTP Civil Assessment added (date)_____ is:

[] Granted [] Denied [] Ordered to Appear on (date):_____

Signature _____
Judicial Officer

Date: _____

The amount due on this case is now \$ _____. Please immediately contact the clerk's office to pay in full or arrange monthly payments.

CIVIL ASSESSMENT FOR FAILURE TO APPEAR OR FAILURE TO PAY
FREQUENTLY ASKED QUESTIONS

What is a Civil Assessment? A Civil Assessment of \$300.00 is imposed against anyone charged with a traffic, misdemeanor, or felony offense that fails, after notice and without good cause, to appear in court for any proceeding authorized by law. The civil assessment is in addition to any other fines imposed on the case.

The assessment can be added if you:

- ✍ Fail to appear on the date your citation (ticket) says you are to appear, or on any date thereafter for which you were granted an extension or continuance, or
- ✍ Fail to appear in court after being ordered by the court to return.
- ✍ Fail to pay a fine.

How is the Civil Assessment imposed? If you fail to appear on a date you are supposed to be in court, the clerk's office sends a warning notice to you by first-class mail to the address shown on the notice to appear (your ticket), or to the last known address, if you have provided the court with a different address. If so mailed, there is a presumption that the notice has been received. There is no requirement that the court prove that you actually received the notice, only that it was mailed.

What if I have moved? The Court is under no obligation to try to find your current address. You have an obligation to notify the court while the case is still open of any change of address.

Can there be more than one civil assessment added to my case? Yes. It is possible to have a civil assessment added for each missed court appearance. A separate warning notice is required to be sent for each assessment.

When does the assessment become effective? The assessment cannot go into effect until at least 10 calendar days after the court mails the warning notice to you.

Can I have the civil assessment set aside? If you appear within the time frame shown in the warning notice **and** show good cause for not appearing on the date you were supposed to appear, the court may vacate the assessment.

What is Good Cause? Good Cause is a sufficient reason that is beyond your control, (e.g. medical emergency, military duty, etc.), which prevented you from making an appearance or payment on or before the date listed on your citation (ticket) and a demonstration that you attempted to resolve the matter as soon as possible after that date. Good Cause is determined on a case-by-case basis.

How can I have the civil assessment vacated (taken off)? You may submit a request that the court remove or vacate the civil assessment by completing and submitting your request on the court approved form (see the front of this form). The judge will review the petition and either grant or deny your request. You are not entitled to a court hearing and the issue will not be addressed in court, unless the court orders a court hearing.

What are the consequences of a civil assessment for a failure to appear or pay a fine? The civil assessment is imposed after the 10 day warning notice is mailed, and at or about the same time a notice is sent to the California Department of Motor Vehicles (DMV) requesting that a hold be placed on your privilege to drive, until the matter is cleared with the court. In response, the DMV may send you a notice advising that your privilege to drive will be suspended if the matter is not taken care of. In some cases, the DMV will not suspend your driving privilege but will not allow you to get a license or renew a license until it is cleared with the court. The only way to have the hold lifted for a Failure to Appear is to appear in court, enter a plea to the original charge or charges, or request and be granted an extension by the court. The only way to have the the hold lifted on a Failure to Pay is to pay the entire amount of the fine, including the civil assessment. Once you have appeared or paid the fine, the court will lift the the DMV hold. Even though the court lifts the DMV hold, you will still have to pay the civil assessment unless the court in response to your written petition vacates it. The court will not provide any restricted licenses.